

REMARKS

The Office action dated November 21, 2011, and the references cited therein, have been received and carefully reviewed.

The specification has been objected to as failing to provide proper antecedent basis for the term "wherein the A yarn-to-B-yarn pitches are not longer than 7 mm" in claim 1.

To overcome this objection, claim 1 has been amended to more clearly define the pitch of the claimed fabric, as suggested by the Examiner. Clear support for this amendment can be found in paragraph [0029] of the application publication.

Favorable reconsideration and withdrawal of the objection is thus urged.

Claim 14 has been rejected under 35 U.S.C. 112, first and second paragraphs.

To overcome these rejections, the term "permeability" in claim 14 has been replaced with "impermeability", as disclosed in paragraph [0037] of the application publication.

Applicants therefore urge favorable reconsideration and withdrawal of the rejections under 35 U.S.C. 112, first and second paragraphs.

Claims 1-3, 6, 7, 10, 12, 13 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Onodera (JP 2003-138446) in view of Akamatsu (US 5,273,813).

The Applicants submit that the present claims, as amended, are new and unobvious over a combination of the cited references.

The multifilament B of amended claim 1 is limited to polyester multifilaments and/or polyamide multifilaments.

Onodera discloses a high density thin woven fabric made of regenerated cellulose fiber (A) as the structural component of the fabric. This component corresponds to the multifilament B of the present invention. The range of cover factor of 2350-2600 disclosed in Onodera for the woven fabric depends on the regenerated cellulose system fiber. Therefore, the range of cover factor disclosed in Onodera cannot be compared with that of the present invention.

Accordingly, Onodera does not teach or suggest "a polyester fabric having a total cover factor of not lower than 1600", as required by the presently amended claims.

Furthermore, there is no mention or suggestion of a cover factor in Akamatsu et al., and certainly no disclosure of a polyester fabric having a total cover factor of at least 1600, as required by the claims.

It is clear, therefore, that a combination of Onodera and Akamatsu et al. would not result in the presently claimed invention, because neither reference discloses or suggests a polyester fabric having a total cover factor of not lower than 1600.

The rejection should therefore be favorably reconsidered and withdrawn.

Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Onodera in view of Akamatsu et al. and Hirakawa et al. (US 4,582,747).

The Hirakawa et al. reference was cited as teaching a fabric thickness of from 0.05 to 0.4 mm.

Hirakawa et al. does not fill the gaps left by Onodera and Akamatsu et al., however, because Hirakawa et al. also does not teach or suggest a polyester fabric having a total cover factor of not lower than 1600. Claim 11 is therefore patentable for the same reasons given for claim 1, from which claim 11 depends.

The rejection should therefore be favorably reconsidered and withdrawn.

Claims 1-3, 6, 7, and 10-14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Smith III et al. (US 6,277,770) in view of Hirakawa et al.

The Applicants submit that the present claims, as amended, are new and unobvious over a combination of the cited references.

The Patent Office has acknowledged that Smith III et al. differs from the present invention, and does not teach:

- (a) The claimed fineness of the filaments and a yarn of less than 25 dtex;
- (b) A and B yarn in the claimed ratio;
- (c) The claimed cover factor; and
- (d) The claimed basis weight of not higher than 45 g/m².

The Patent Office also recognizes that Hirakawa et al. does not teach or suggest the claimed elements (b), (c) and (d) above.

Consequently, even if the teachings of Smith III et al. and Hirakawa et al. are combined, all of the essential limitations of claim 1, as presently amended, are not found in the cited references, either individually or taken together.

Despite this, the Patent Office has argued that the required elements (b), (c) and (d) above would somehow have been obvious modifications for a person of ordinary skill in the art to make.

However, the Patent Office has taken each of the claimed elements in a piecemeal fashion, without taking into consideration the invention as a whole, which is an impermissible analysis under 35 U.S.C. 103(a). Indeed, Applicants submit that a change in one parameter of a fabric, such as one of the

characteristics (a) to (d) discussed above, would likely be understood by one of ordinary skill in the art as affecting other parameters of the fabric.

For example, the Patent Office has argued that it would have been obvious to one of ordinary skill in the art "to place a larger yarns [sic] at least every 7 mm motivated [sic] to improve the strength of the fabric" (Office action, page 11, lines 1-4 from bottom of page), without considering whether other parameters of the fabric, besides strength, would be affected by such a modification.

In a similar fashion, the Patent Office has argued that the claimed cover factor and basis weight also would have been obvious modifications, again without taking into consideration how changing one of these parameters might affect any of the other properties of the claimed fabric.

As such, the Patent Office has not set forth any objective reasoning why it would have been obvious to modify the fabric of Smith III et al. by changing selected parameters of the fabric while maintaining the other properties of the fabric within the values required by claim 1.

Any rejection under 35 U.S.C. 103(a) must consider the invention as a whole, which includes the many excellent

properties of the Applicants' invention, and not in a piecemeal fashion as the Examiner is attempting.

An objective of the present invention is to provide a polyester fabric which is light in weight, high in density and flexible and, at the same time, has a sufficient level of tear strength. This objective is achieved by using extra-fine polyester multifilaments that are finer as compared with the conventional polyester multifilaments. The characteristics of the claimed fabric are achieved by a combination of all of the recited elements of claim 1.

Notwithstanding the above, it is submitted by the Applicants that Smith III et al. does not use the specified A yarn and B yarn in both the warp and weft directions in the examples, so the arrangements of the fabric differs from the presently claimed invention.

Also, in Example 1 of Hirakawa, pointed out by the Patent Office, the specified A yarn and B yarn are not used in both the warp and weft directions, so the arrangements of the fabric in Hirakawa et al. also differs from the present invention.

That is, Smith III and Hirakawa differ in the yarn arrangements of the obtained fabric, and even if considering them in combination, all the requirements of the present invention cannot be satisfied.

In view of all of the above, it is submitted that the rejection under 35 U.S.C. 103(a) is unsustainable, and should be favorably reconsidered and withdrawn.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Applicants hereby petition the Commissioner for Patents to extend the time for reply to the Office action dated November 21, 2011, for one (1) month from February 21, 2012, to March 21, 2012. Payment is being made by electronic funds along with the filing of this paper.

Respectfully submitted,



Date: March 21, 2012

Malcolm J. MacDonald
Reg. No. 40,250
Tel: (703) 837-9600 Ex. 24